

Applicants: Joel M. Friedman and Mahantesh S. Navati
Serial No: 10/593,387
Filed: August 14, 2007
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REMARKS

Claims 6-14 and 45-54 were pending in the subject application. By this amendment, Claims 8-10 have been canceled without prejudice or disclaimer, and Claim 6 has been amended. Applicants maintain that the amendments to the claims do not raise an issue of new matter. Support for the amendments to Claim 6 can be found at least in Claims 8 and 10.

The specification has been amended to correct an error in a reference citation on page 8. An abstract has been provided on a separate sheet. The abstract is the same as the abstract in PCT/US2005/013222. Applicants maintain that the amendments to the specification do not raise an issue of new matter.

Entry of the amendments is respectfully requested.

Objection to the Specification

The Examiner indicated that the citation of Ray et al. on page 8 of the application was incorrect. The citation has herein above been corrected, thereby obviating this objection.

Abstract

An abstract is provided on a separate sheet.

Allowable Subject Matter

Claim 10 was objected to as being dependent upon a rejected base claim. Claim 6 has hereinabove been amended to include the feature of Claim 10, i.e. tagatose. Accordingly, applicants understand that Claim 6 as amended is allowable.

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Rejections under 35 U.S.C. §102/103

Claims 6, 11-14, and 50-54 are rejected under 35 U.S.C. §102(b) as being anticipated by Ajisaka et al. (US Patent No. 4,377,512).

Claims 6 and 8-13 are rejected under 35 U.S.C. §102(a) as being anticipated by Oliver et al. (WO 03/045163).

Claims 6-9, 11, 14, and 45-54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Privalle et al. (US Patent No. 6,747,132).

Claims 6-9, 11, 14, and 45-54 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combined teachings of Heller et al. (J Pharmacol Sci 88:58-64, 1999) and Privalle et al. (US Patent No. 6,747,132).

Reconsideration and withdrawal of these rejections are respectfully requested in view of the amendments to Claim 6 made herein above.

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CONCLUSIONS

In view of the preceding amendments and remarks, applicants respectfully request that the Examiner reconsider and withdraw the objections and rejections set forth in the May 29, 2009 Office Action, and earnestly solicit allowance of the pending claims. If there is any minor matter preventing the allowance of the subject application, the Examiner is requested to telephone the undersigned attorney.

No fee is deemed necessary in connection with the submission of this reply. However, if any fee is required to maintain the pendency of the subject application, authorization is hereby given to withdraw the amount of any such fee from Deposit Account No. 01-1785.

Respectfully submitted,
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By 
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